

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

Directions: Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

Appeal No. & Caption	15-1361, Kiran M. Dewan, CPA, P.A., et al. v. Walia
Originating No. & Caption	11-cv-02195 (RDB), Kiran M. Dewan, CPA, P.A. et al. v Walia
Originating Court/Agency	United States District Court for the District of Maryland

Jurisdiction (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. 1291	
Time allowed for filing in Court of Appeals	N/A	
Date of entry of order or judgment appealed	March 6, 2015	
Date notice of appeal or petition for review filed	April 3, 2015	
If cross appeal, date first appeal filed	N/A	
Date of filing any post-judgment motion	April 29, 2014	
Date order entered disposing of any post-judgment motion	March 6, 2015	
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

Settlement (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Transcript (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Case Handling Requirements (answer any that apply)		
Case number of any prior appeal in same case	12-2175	
Case number of any pending appeal in same case	N/A	
Identification of any case pending in this Court or Supreme Court raising similar issue	Unknown	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does case involve question of first impression?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

Nature of Case (Nature of case and disposition below. Attach additional page if necessary.)
<p>On October 28, 2013, a Panel of this Court issued an order vacating the District Court's judgment upholding a prior arbitral award in favor of Appellee Walia. The Panel remanded the case to the District Court for further proceedings consistent with the Court's unpublished per curiam decision of the same date.</p> <p>In reaching its decision, this Court interpreted and enforced the terms of a Release entered into by the parties on or about November 3, 2009. In material part, this Court determined: (a) that the Release precluded relief by Walia against Appellants; and (b) that in awarding arbitral relief to Walia despite the language of the Release, the arbitrator had manifestly disregarded applicable Maryland law on the interpretation and enforcement of contracts.</p> <p>On remand, on April 29, 2014, Appellants moved the District Court pursuant to a "prevailing party" clause in the Release for attorneys' fees expended by Appellants in the arbitration, in the District Court, and in the initial appeal. On March 6, 2015, the District Court denied Appellants their fees pursuant to a written order. Appellants filed a timely notice of appeal.</p>

Issues (Non-binding statement of issues on appeal. Attach additional page if necessary)

1. Whether the District Court followed the order and mandate of this Court upon remand?
2. Whether the "prevailing party" clause in the Release entitles Appellants, or either of them, to attorneys' fees incurred by Appellants, or either of them, in the underlying arbitration, in the proceedings in the District Court, in the initial appeal to this Court (12-2175), and in proceedings following this Court's order of October 28, 2013?
3. Whether the doctrine of "unclean hands" applies to the enforceability of the "prevailing party" clause in the Release and, if so, whether the doctrine applies to impair Appellants' enforcement of the "prevailing party" clause in the Release?

Adverse Parties (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Arun Walia

Attorney: Ramesh Khurana
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Phone: (301) 948 9595

Adverse Party: Arun Walia

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Adverse Parties (continued)

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Adverse Party:

Attorney:
 Address:

E-mail:

Phone:

Appellant (Attach additional page if necessary.)	
Name: Kiran M. Dewan, CPA, P.A. Attorney: Mitchell J. Rotbert Address: Rotbert Business Law P.C. 1050 Connecticut Avenue, N.W. Tenth Floor Washington, D.C. 20036 E-mail: mitch@rotbertlaw.com Phone: (240) 600-6467	Name: Kiran M. Dewan Attorney: Mitchell J. Rotbert Address: Rotbert Business Law P.C. 1050 Connecticut Avenue, N.W. Tenth Floor Washington, D.C. 20036 E-mail: mitch@rotbertlaw.com Phone: (240) 600-6467
Appellant (continued)	
Name: Attorney: Address: E-mail: Phone:	Name: Attorney: Address: E-mail: Phone:
Signature: <u>/s/ Mitchell J. Rotbert</u> Date: <u>April 21, 2015</u> Counsel for: <u>Appellants Kiran M. Dewan, CPA, P.A., and Kiran M. Dewan</u>	
Certificate of Service: I certify that on <u>April 21, 2015</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):	
Ramesh Khurana rk@skulaw.com Mark G. Chalpin mark.chalpin@gmail.com	
Signature: <u>/s/ Mitchell J. Rotbert</u>	Date: <u>April 21, 2015</u>